

House Bill 174
February 2, 2011
Presented by Dave Risley
House Judiciary Committee

Mr. Chairman and committee members, I am Dave Risley, Fish and Wildlife Administrator of Montana Department of Fish, Wildlife & Parks (FWP). I am here in opposition of House Bill 174.

The statute that this bill addresses, 87-3-123, was put in place many years ago when suppressors or silencers were a popular tool of those who broke the law, particularly in terms of unlawfully taking wildlife. They were, as you've been told, put under federal control and restriction in the 1930s. Over time, however, federal regulations have provided a means by which citizens can legally own and use suppressed firearms through the payment of a transfer tax, which essentially constitutes a registration of the devices. According to the federal Bureau of Alcohol, Tobacco, Firearms and Explosives, the agency that regulates suppressors, there are currently 1,678 suppressor devices legally owned by 632 people in Montana.

Laws under the Title 45 provide means to prosecute the unlawful use of suppressed weapons in the act of a crime. However, FWP officers have no authority to cite under these statutes, and any prosecution of an individual for acts listed in 45-8-336, MCA would either remain un-cited or would have to be initiated by a county attorney.

We believe that the current law which was originally adopted in the 1920s overly restricts the lawful possession and use of legal suppressors. We understand that collectors and shooting enthusiasts wish to have the opportunity to use these accessories at ranges, for general target shooting or other casual activities. As such, we believe that 87-3-123 should be amended to strike out portions that outlaw the possession "... in the forest and field..." of suppressed weapons. With that, non-game animals such as prairie dogs, ground squirrels, or coyotes could be taken with firearms having silencers.

At the same time, however, we believe that the prohibition on use of suppressed weapons for the purpose of hunting should remain in place. Many landowners have told us that they concur as they want to know when a weapon is fired on their property and allowing suppressors would prohibit that. Additionally, we believe that their use goes against the grain of Montana's hunting heritage and is an inappropriate accessory to utilize in the hunt.